

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**S.L., a minor, by and through her parent and
Legal guardian D.L.,**

Case No. 3:18-cv-00162

Plaintiff,

-v-

**CITY HOSPITAL, INC., d/b/a,
BERKELEY MEDICAL CENTER,
A subsidiary of WEST VIRGINIA UNIVERSITY
HOSPITALS-EAST, INC., d/b/a
WV UNIVERSITY HEALTHCARE**

**MOTION TO DISMISS WEST VIRGINIA UNIVERSITY HOSPITAL, INC AND WEST
VIRGINIA UNITED HEALTH SYSTEMS AND GRANTING PLAINTIFF LEAVE TO FILE
AMENDED COMPLAINT**

Plaintiff, by and through counsel Shawna White, moves this Court for an Order dismissing West Virginia University Hospital, Inc. and West Virginia United Health Systems as parties to the case and for leave for the Plaintiff to file an amended complaint.

As grounds for this request, the Plaintiff states that while the Complaint names the primary defendant as Berkeley Medical Center, the proper designation is City Hospital d/b/a Berkeley Medical Center. Further, the Complaint mistakenly avers that Berkeley Medical Center is owned and operated by West Virginia University Hospitals. City Hospital d/b/a Berkeley Medical Center is actually a subsidiary of West Virginia University Hospitals-East, Inc., d/b/a WV University Healthcare. Plaintiff therefore request that defendant's West Virginia University Hospitals, Inc. and West Virginia United Health Systems are dismissed as defendants from this

case and that leave is granted to file an amended complaint naming the defendant as CITY HOSPITAL, INC., d/b/a, BERKELEY MEDICAL CENTER, A subsidiary of WEST VIRGINIA UNIVERSITY HOSPITALS-EAST, INC., d/b/a WV UNIVERSITY HEALTHCARE.

Respectfully submitted this 9th day of November, 2018.

A handwritten signature in black ink, appearing to read "Shawna White", written over a horizontal line.

Shawna White Bar No. 10893
Disability Rights of WV
1207 Quarrier Street
Litton Building, Suite 400
Charleston, WV 25301
(304) 346-0847

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**S.L., a minor, by and through her parent and
Legal guardian D.L.,**

Case No. 3:18-cv-0016207

Plaintiff,

-v-

**CITY HOSPITAL, INC., d/b/a,
BERKELEY MEDICAL CENTER,
A subsidiary of WEST VIRGINIA UNIVERSITY
HOSPITALS-EAST, INC., d/b/a
WV UNIVERSITY HEALTHCARE**


**ORDER DISMISSING WEST VIRGINIA UNIVERSITY HOSPITAL, INC AND WEST VIRGINIA UNITED
HEALTH SYSTEMS AND GRANTING PLAINTIFF LEAVE TO FILE AMENDED COMPLAINT**

The Court finds that there is good cause to grant the Plaintiff's Motion dismiss West Virginia University Hospital, Inc. and West Virginia United Health Systems as parties to the case and for leave for the Plaintiff to file an amended complaint. Accordingly, it is hereby ORDERED that defendant's West Virginia University Hospitals, Inc. and West Virginia United Health Systems are dismissed as defendants from this case and that leave is granted to Plaintiff to file an amended complaint naming the defendant as CITY HOSPITAL, INC., d/b/a, BERKELEY MEDICAL CENTER, a subsidiary of WEST VIRGINIA UNIVERSITY HOSPITALS-EAST, INC., d/b/a WV UNIVERSITY HEALTHCARE.

ENTERED: _____

CHIEF JUDGE GINA M. GROH

Respectfully submitted this 9th day of November, 2018.



Shawna White Bar No. 10893
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**S.L., a minor, by and through her parent and
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Case No. 3:18-cv-00162

Plaintiff,

-v-

**CITY HOSPITAL, INC., d/b/a,
BERKELEY MEDICAL CENTER,
A subsidiary of WEST VIRGINIA UNIVERSITY
HOSPITALS-EAST, INC., d/b/a
WV UNIVERSITY HEALTHCARE**

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2018, I have mailed the attached Motion and Proposed Order, by United States Postal Service, the documents to the following:

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